

Greenbaum Rowe
Smith & Davis LLP
COUNSELORS AT LAW
75 LIVINGSTON AVENUE
SUITE 301
ROSELAND, NJ 07068-3701
(973) 535-1600 FAX (973) 535-1698

INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

WOODBIDGE OFFICE:
METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBIDGE, NJ 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVENUE SOUTH
ISELIN, NJ 08830-2712

NEW YORK OFFICE:
750 THIRD AVENUE
9TH FLOOR
NEW YORK, NY 10017
(212) 847-9858

ROBERT M. GOODMAN
(973) 577-1770 - DIRECT DIAL
(973) 577-1771 - DIRECT FAX
RGOODMAN@GREENBAUMLAW.COM

October 31, 2017

VIA ECF AND REGULAR MAIL

Honorable Claire C. Cecchi
United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: ***In re Biogen '755 Patent Litigation***
Civil Action No. 10-2734 (CCC) (JBC)

Dear Judge Cecchi,

I write on behalf of Bayer in response to Biogen's letter of October 31, 2017, in which Biogen requests that the Court administratively terminate Bayer's motions for summary judgment Nos. 1 (ECF No. 503), 5 (ECF No. 517), and 6 (ECF No. 624), which Serono did not join. ECF No. 746.

Bayer opposes Biogen's request, which Biogen made without conferring with Bayer. While these summary judgment motions may now be decided on a schedule independent of Serono's trial, there is no basis to simply terminate them, as they are ripe for decision and (except for No. 5) case-dispositive. Bayer respectfully asks the Court to decide them. And because their decision in Bayer's favor would obviate the need for trial, Bayer also respectfully requests that these motions be decided sufficiently before Bayer's trial date so that the Court and parties may avoid unnecessary trial preparations.

Respectfully submitted,
GREENBAUM ROWE SMITH & DAVIS LLP

/s/ Robert M. Goodman

Robert M. Goodman

cc: Counsel of Record (via ECF)